

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JOSE LUIS ACOSTA, *et al.*,

Civil Action No. 1:22–CV–01458

Plaintiffs,

v.

Honorable Harry D. Leinenweber

BOARD OF TRUSTEES OF UNITE HERE
HEALTH, *et al.*,

Defendants.

**DECLARATION OF AUSTIN LYNCH IN SUPPORT OF PLAINTIFFS’ MOTION FOR
CLASS CERTIFICATION**

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Attorneys for Plaintiffs

I, Austin Lynch, declare as follows:

1. I have personal knowledge of the facts stated in this declaration and, if called to do so, I could and would testify to these facts.

2. UNITE HERE Local 11 (“Local 11” or “Union”) is a labor union which represents more than 32,000 hospitality and restaurant workers throughout Southern California and Arizona.

3. I have worked for Local 11 since 1998. From 1998 to 2005 my job title was Organizer. From 2005 to 2014 my title was Lead Organizer. In these capacities I was regularly involved in collective bargaining. As Lead Organizer I began leading negotiations with many participating employers.

4. Since 2014, I have served as an Organizing Director of Local 11. In my role as Organizing Director, I have been involved in all collective bargaining with employers in Orange County and I am also often involved in collective bargaining with employers outside Orange County as well.

5. In my 26 years of experience at Local 11, I have been involved in negotiating over one hundred collective bargaining agreements between Local 11 and various employers. From 2016 until the present, I have been involved in negotiating more than 20 collective bargaining agreements between Local 11 and various employers under which the employer agreed to contribute to UNITE HERE Health (“UHH”) Plan Units 178 and 278 in order to provide health benefits for covered employees.

6. Each collective bargaining agreement involving Local 11 that provides or provided for benefits under Plan Units 178 or 278 also requires contributions to be made to UHH at a rate that UHH approves. Each such collective bargaining agreement generally provides a

single employer contribution rate for all covered employees. Occasionally a collective bargaining agreement will provide different rates for workers in different sectors (e.g., hotel workers or event center workers), but even then all employees within a single sector have the same contribution rate.

7. The healthcare benefits that Local-11 represented employees received from UHH formed part of their compensation.

8. When negotiating collective bargaining agreements that provided for health benefits from UHH, I understood that if Local 11 failed to achieve the contribution rates that UHH wanted our members would be denied healthcare.

9. In order to negotiate contribution rates that would satisfy UHH's minimum contribution rates, Local 11 often had to sacrifice other economic objectives such as higher wages and retirement contributions. If UHH's minimum contribution rates had been lower, Local 11 could have negotiated higher wages for its members.

10. Most of the Local-11 represented former participants of Plan Units 178 and 278 are now participants in a health and welfare plan called the Santa Monica UNITE HERE Health Benefit Trust Fund.

11. Some Local-11 represented employees in Plan Units 178 and 278 still receive benefits from UHH.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April ___, 2024 at _____, California.

Austin Lynch

single employer contribution rate for all covered employees. Occasionally a collective bargaining agreement will provide different rates for workers in different sectors (e.g., hotel workers or event center workers), but even then all employees within a single sector have the same contribution rate.

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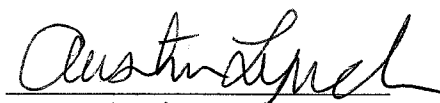
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11. Some Local-11 represented employees in Plan Units 178 and 278 still receive benefits from UHH.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2024 at Bellflower, California.


Austin Lynch